उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(19)

मामला क्रमांक M.A.(C) 1010 सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश		कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

M.A. (C) No.1010/2007

APPELLANTS/ CLAIMANTS	1.	Ganesh Ram Dhruv S/o Daya Ram Dhruv, Aged about 55 years
	2.	Fekan Bai w/o Ganesh Ram Dhruv, aged about 50 years
	3.	Kripal Singh Dhruv, s/o Ganesh Ram Dhruv aged about 24 years
	4.	Kalyan Singh Dhruv, s/o Ganesh Ram Dhruv, aged about 21 years, all r/o village Kanakot, P.S. & Tahsil Palari, District Raipur(CG)

VERSUS

RESPONDENTS	1.	Harish Chandra Kashyap s/o Panch Ram Kashyap, aged about 26 years, r/o village Paijania, P.S. Lormi, District Bilaspur(CG)- Driver
	2.	M/s Yadav Bus Service, Through Director Narendra Kumar Yadav s/o Deendayal Yadav, aged about 50 years, r/o Kududand Mangala Naka, Bilaspur, District Bilaspur(CG)- Owner
	3.	The New India Assurance Company Ltd. Through Branch Officer, Garden Chowk, Baloda Bazar, District Raipur(CG) – (Insurer of Vehicle Hero Honda Bearing registration No. CG 04 CK 8453)
	4.	The New India Assurance Company Ltd., Through Divisional Office, Raipur, District Raipur(CG) (Insurer of Vehicle Mini Bus Bearing registration No. CG 15ZA 0717).

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

मामला क्रमांक M.A.(C) 1010 सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Appeal under Section 173 of Motor Vehicle Act, 1988

Appearance:

Shri S.K.Guha, counsel for the appellant.

DB.: HON'BLE SHRI L.C. BHADOO, J. &
HON'BLE SHRI SUNIL KUMAR SINHA, J.

ORAL ORDER
(11.09.2007)

L.C. Bhadoo, J:

Heard on admission.

This appeal has been preferred by the appellants/claimants for enhancement of the compensation amount. There is delay of 77 days in filing this appeal.

By the impugned award dated 28.2.2007, the learned Tribunal has assessed the monthly income of the deceased namely- Kunj Bihari as Rs.2000/-

Learned counsel for the appellants/claimants submits that the deceased was earning atleast Rs.3,000/- p.m. from the job of goldsmith and he was also earning about Rs.5000/- from accounting and salesmanship of the ornaments.

We have perused the award passed by the claims Tribunal.

GRPRJ — FS/246— 2/2007 — 50,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

मामला क्रमांक M.A. (C) 1010 सन् 2007

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	A perusal of para 13 of the impugned award reveals that the deceased Kunj Bihari was working as a goldsmith in the shop of the owner. The owner of the shop has stated that the deceased used to earn Rs.2500-3000/- p.m., for which, no documentary proof was produced by the person at whose shop the deceased was working. For earning from other sources also, no documents have been submitted by the claimants, therefore, we are of the considered opinion that the Tribunal has rightly assessed Rs.2000/- p.m. as the income of the deceased, which in our opinion is just and reasonable income as has been assessed by the Tribunal. We do not find any illegality and infirmity in the impugned award and the tribunal has awarded after deducting 1/3rd of the income and assessed the total loss of dependency as Rs.2,16,000/- and Rs.10,000/- in other heads, therefore, the overall loss and income assessed by the tribunal is just and reasonable. As such this appeal is liable to be dismissed on merits as well as on delay. **Sd/-** **L.C. Bhadoo** **Judge**	**Sd/-** **Sunil Kumar Sinha** **Judge**

sunita

GRPRJ — FS/246— 2/2007 — 50,000.